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REMARKS

The Office Action of August 23, 2007 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-44 were pending prior to the instant amendment. By this amendment, claims 1-2, 4-12, 15, 18-27, 36-39, 41, and 43-44 are amended. Claims 3 and 14 are cancelled. Consequently, claims 1-2, 4-13, and 15-44 are currently pending in the instant application.

Claim 9 was objected to under 37 CFR 1.75(c) as being in improper form, because it depended from claims 1-8. Claim 9 is amended to depend from claim 1 and is believed to be in compliance.

Claim 44 was objected to because it used the term "pre-per-view". The aforementioned term is amended to read "pay-per-view".

Claim 3 and 4 were rejected under 35 U.S.C. § 101 for containing non-statutory matter. Without conceding the propriety of the rejection, claim 3 has been cancelled. Claim 4 is rewritten in independent form and is solely directed to a computer-readable storage medium.

Claims 1-25, 27-30, 36-41 and 43-44 were rejected under 35 U.S.C. §102(b) as being anticipated by Russo (U.S. Patent No. 6,025,868). Russo, however, fails to render the claimed invention unpatentable. Each of the claims recite a specific combination of features that distinguishes the invention from the prior art in different ways. For example, independent **claim 1** recites a combination that includes, among other things:

a storage control portion for judging whether or not each content is a pay-per-view content, and for controlling the restoring part to previously read out a part of each content in a plurality of contents alone as a preview when

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the content is judged as a pay-per-view content and to store the preview in the storage part . . . a playback control portion which reads out the preview stored in the storage part and playback and outputs the preview.

Independent claims 2 and 4 recited similarly claimed features. Additionally, independent claims 43 and 44 recite other combinations that include, for example,

judging whether or not each content is a pay-per-view content, and controlling to previously read out a part of each content in a plurality of contents alone as a preview when the content is judged as a pay-per-view content and to store the preview.

At the very least, Russo fails to disclose or suggest any of these exemplary features recited in the independent claims 1, 2, 4, 43, and 44.

To establish anticipation under 35 U.S.C. § 102(b), the Examiner must show that each and every feature recited in these claims is either explicitly disclosed or "necessarily present" in a single prior art reference, such as within the four corners of the Russo patent. See M.P.E.P. § 2131(7th ed. 1998); *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999); *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991). To support a conclusion of anticipation, the Examiner must specifically identify "substantial evidence" setting forth why and how the single prior art reference anticipates each and every feature recited in the claims. See *In re Mullin*, 481 F.2d 1333, 1336-37 (CCPA 1973) (An Examiner's bare assertion that claims were obviously anticipated by a reference did not inform the Applicant as to why the claims lacked novelty); *Dickinson v. Zurko*, 527, U.S. 150 (1999) (The U.S. Patent Office's findings of fact must be reviewed by the substantial evidence standard).

Viewed against this backdrop, each of the Examiner's factual conclusions must be supported by "substantial evidence" in the documentary record. See *In re Lee*, 61 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 2002). The Examiner has the burden of documenting all findings of fact necessary to support a conclusion of anticipation or obviousness "less to 'haze of so-

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called expertise' acquire insulation from accountability." *Id.* To satisfy this burden, the Examiner must specifically identify where support is found within the prior art to meet the requirements of 35 U.S.C. §§ 102(b). In this case, however, the Examiner cannot satisfy his burden of demonstrating how Russo, taken alone or in combination with any other prior art reference, can either render obvious each and every one of the limitations present in independent claims 1, 2, 4, 43, and 44 as required by the Manual of Patent Examining Procedure ("MPEP") and Federal Circuit jurisprudence.

The claimed invention includes judging whether or not each content is a pay-per-view content, and controlling the restoring part to previously read out a part of each content in a plurality of contents alone as a preview when the content is judged as a pay-per-view content and to store the preview in the storage part, as recited, for example, in independent claims 1, 2, 4, 43, and 44. That is, a part of a pay-per-view content is clipped from contents as a preview automatically and stored selectively. Consequently, users can watch a preview of any contents even if the preview itself is not transmitted.

Russo, however, discloses a pay-per-view system comprising a receiving part for receiving a content being transmitted [tuner 104, Fig. 2]; a storage part for storing a content [storage 110, Fig. 2]; a control part [center controller 150, Fig. 2], etc. Thus, Russo merely discloses a general pay-per-view system, and does not disclose a concretely defined process as recited in Applicant in at least claims 1, 2, 4, 43, and 44.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claims are not found either expressly or inherently described as required by the M.P.E.P., Russo

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cannot be said to anticipate the invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Each of the dependent claims depend from independent claim 1 and are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1.

In addition, each of the dependent claims also recite combinations that are separately patentable.

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Yurt et al. (U.S. Patent No. 5,132,992). Claims 31-35 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo.

However, claim 26 ultimately depends from independent claim 1 which recites a specific combination of features that distinguishes the invention from Russo in different ways as outlined above. The disclosure of Yurt et al. fails to cure the deficiencies of Russo. For example, Yurt et al. fails to disclose or fairly suggest judging whether or not each content is a pay-per-view content, and controlling the restoring part to previously read out a part of each content in a plurality of contents alone as a preview when the content is judged as a pay-per-view content and to store the preview in the storage part, as recited, for example, in independent claim 1. Thus, at the very least, the applied references fail to disclose or suggest any of these exemplary features recited in independent claim 1.

Claims 31-35 and 42 ultimately depend from independent claim 1. As previously discussed above, independent claim 1 recites a specific combination of features that distinguishes the invention from Russo in different ways. Thus, at the very least, Russo fails to disclose or suggest any of these exemplary features recited in independent claim 1.

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In accordance with the M.P.E.P. § 2143.03, to establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 196 (CCPA 1970). Therefore, it is respectfully submitted that neither Russo nor Yurt et al., taken alone or in any proper combination, discloses or suggests the subject matter as recited in claims 26, 31-35 and 42. Hence, withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore request the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,

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